

From: [Benbow, Gene](#)
To: [Hebert, John](#)
Subject: FW: Bait stations
Date: Tuesday, January 28, 2014 2:50:00 PM

Hey John – I called John Inouye. He wanted to know whether the 24(c) labels he's looking at are "legit" because they are FGAR products used in orchards (field use), and he thought that the RMD might have prohibited it. These field uses seem to have been addressed before the RMD in the cluster RED, where we said "they need to be RUP or below ground only".

I know we have at least one 24(c) for chlorophacinone (Rozol) for just ground broadcast use in UT or CA or something. I guess when we approved the 24(c) we just let it go because we thought that broadcast use was okay on a 24(c)? I don't know. The parent label for that 24(c) is an RUP product and it says "cover bait with boards and/or grass so non-targets won't get it".

Do we kind of look at 24(c) labels as if they were RUP?

That's all – it kind of sounded like he enjoys asking questions and whatnot.

I won't relay his calls or questions to you – I explained that you're in a different division and gave him Reuben's contact info.

Thanks,

Gene Benbow
Biologist, EPA
Insecticides-Rodenticides Branch
Registration Division
<http://epa.gov/pesticides/>
703-347-0235

From: Inouye, John@CDPR [<mailto:John.Inouye@cdpr.ca.gov>]
Sent: Tuesday, January 28, 2014 1:46 PM
To: Benbow, Gene
Subject: FW: Bait stations

FYI.

From: Kratville, David@CDFA [<mailto:david.kratville@cdfa.ca.gov>]
Sent: Tuesday, January 28, 2014 9:05 AM
To: Inouye, John@CDPR
Subject: Bait stations

John,

Here is some info I found a few months back when asked about our bait stations. The second paragraph on page 3 of the RMD states that the measures do not apply to field use rodenticides.

Following that is everything else I could find on bait stations from EPA.

Gene Benbow's number is (703)347-0235

Hope that helps,

Dave

- **US EPA Risk Mitigation Decision for Ten Rodenticides May 28, 2008**
<http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2006-0955-0764;oldLink=false>

The risk mitigation decision described in this document does not apply to rodenticide field uses or to tracking powder products. Risks associated with field uses and tracking powder products were addressed in the 1998 Zinc Phosphide and Rodenticide Cluster Reregistration Eligibility Decision (RED) documents. In those REDs, the Agency required restricted use classification for all field use products (except those limited to manual underground baiting) and for all tracking powder products.

- **US EPA Pesticide Registration (PR) Notice 94-7: Label Improvement Program for the Revision of Use Directions for Commensal Rodenticides and Statement of the Agency's Policies on the Use of Rodenticide Bait Stations** http://www.epa.gov/PR_Notices/pr94-7.html

EPA expressed its concern regarding human exposures and incidents to rodenticides used in and around the home in PR Notice 94-7. This Notice, entitled Label Improvement Program for the Revision of Use Directions for Commensal Rodenticides and Statement of the Agency's Policies on the Use of Rodenticide Bait Stations, was issued by the Agency on September 16, 1994, and required registrants of certain rodenticide products that claimed to control commensal rodents to revise the labeling of such products to bear certain statements concerning "tamper-resistant bait stations."

- **CA DPR Enforcement Compendium Chapter 3**
http://www.cdpr.ca.gov/docs/enforce/compend/vol_8/chapter3.pdf

Tamper resistant bait boxes -Since neither U.S. EPA nor DPR "approves" bait boxes prior to use, Pesticide Enforcement personnel must judge the adequacy of bait boxes in actual use situations. Criteria have been adopted from U.S. EPA (Pesticide Registration [PR] Notice 94-7) for enforcement decisions regarding bait boxes containing treated bait.

Under these criteria, bait boxes are to be:

- Resistant to weather. (A critical factor of evaluation is placement, i.e., a bait box placed outside will need to be more resistant to varying weather conditions than one placed indoors or under shelter.)
- Strong enough to prohibit entry by large nontarget species. (Placement is again a factor, i.e., is the bait box likely to be broken or affected adversely by nontarget animals?)
- Equipped with an access panel that can be securely attached (meaning a locking lid)

or secured rebaiting hatches).

- Equipped with entrances which readily allow target animals access to baits while denying access to larger, nontarget species (suggested means for achieving this include use of baffles, mazes, or small entrances).
- Capable of being anchored securely to resist effort to move the container or to displace its contents.
- Equipped with an internal structure for containing baits (most boxes contain baffles to contain bait).
- Made in such a way as not to be an "attractive" nuisance.
- Capable of displaying "proper" precautionary statements in a prominent location.
- Bait station labeling in non-licensed situations is regulated by the label (FAC section 12973) and the U.S. EPA criteria for tamper-resistant bait stations.
- Bait stations are intended to present (apply) the pesticide to the target pest. Bait stations are considered application equipment and subject to the labeling requirements of 3 CCR section 6630 when placed by a licensed pest control company.

16 CCR section 1983(i) more specifically states, "When a covered or uncovered bait station is used for any pesticide, the bait station shall be adequately marked with the signal word or symbols required on the original pesticide label, the generic name of the pesticide, and the name, address, and telephone number of the structural pest control company. A building which is vacated, posted, locked and in the care, custody, and control of the registered company shall be considered the bait station." Any device that is designed to dispense pesticidal baits while unattended is a bait station. Since this requirement is contained in the Structural Pest Control Act, it applies only to persons operating within their Structural Pest Control Business license. It is the responsibility of the Structural Pest Control Operator to ensure that the bait stations are labeled.

The size of the letters to be used is not addressed in the regulations; however, they should be large enough to "adequately mark" the device. The purpose of the regulation is to provide a warning to persons who may come in contact with the station and therefore the information should be of a size, and located such that they can see the pesticide name and signal word without picking up the device. The name, address, and telephone number of the operator could be displayed on the bottom of the station if the device is too small to display the information on the top. If desired, the required labeling can be displayed on a card attached to the device.

If, in your judgment, a bait box in use does not meet these eight criteria, it is not "tamper-resistant" and, therefore, is in violation of FAC section 12973, "Use in Conflict with the Label" or 16 CCR section 1983(i).

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